

**Enrolled Minutes of the Ninety-Seventh Regular or Special Meeting  
For the Twenty-Sixth Highland Town Council  
Regular Meeting  
Monday, November 28, 2011**

*Study Session.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 28, 2011 at 6:51 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Mark Herak, Dan Vassar, Konnie Kuiper, and Brian Novak were present. Councilor Bernie Zemen was absent owing to the death of his father. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the imminent agenda of the regular meeting.
2. The Town Council President and the Town Clerk-Treasurer discussed the discussion list for the next study session and including a presentation by the Deputy Clerk-Treasurer regarding the Lake Area United Way Campaign for the workplace.
3. The Town Council discussed the written request of Jose Munoz, 8831 Idlewild, Highland, regarding his delinquency in payment or response for his notice of assessment for a general improvement his property received as part of the Idlewild General Improvement District.

The study session ended at 6:59 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 28, 2011 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Konnie Kuiper reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak. Councilor Bernie Zemen was absent owing to the death of his father. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter Hojnicki, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kenneth J. Mika, Building Commissioner and Cecile Petro, Redevelopment Director were present.

**Minutes of the Previous Meeting**

The minutes of the regular meeting of 14 November 2011 were approved by general consent.

**Special Orders:**

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2011 Budget in the Parks Non Reverting Capital Fund in the amount of \$16,131.00.
  - (a) Attorney verification of Proofs of Publication: (The TIMES 16 November 2011) The Town Attorney indicated that he had reviewed the proofs of publication and that they were in compliance with IC 5-3-1.

- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2011-49:** An Enactment Appropriating Additional Moneys in Excess of the 2011 Budget of the in the Parks Non Reverting Capital Fund in the amount of \$16,131.00.

Councilor Herak introduced and moved for the consideration at the same meeting of introduction of Enactment No. 2011-49. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption at the same meeting of introduction of Enactment No. 2011-49. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment was adopted at the same meeting of its introduction.

**Town of Highland  
Appropriation Enactment  
Enactment No. 2011-49**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the PARKS NON REVERTING CAPITAL FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, AND I.C. 36-10-3 ET SEQ.**

**WHEREAS,** Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Parks Non-Reverting Capital Fund**;

**WHEREAS,** It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Parks Non-Reverting Capital Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**PARKS NON REVERTING CAPITAL FUND**

Acct. No. 430.08 memorial Playground:	<u>\$ 16,131.00</u>
<i>Total Series:</i>	<u>\$ 16,131.00</u>
<b>Total for Fund:</b>	<u><b>\$ 16,131.00</b></u>

**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 28<sup>th</sup> Day of November 2011. Consideration on the same day or at same meeting of introduction experienced a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 28<sup>th</sup> Day of November 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

**Brian J. Novak, President (IC 36-5-2-10)**

**ATTEST:**

**Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

**Communications:**

1. The Clerk-Treasurer read aloud a letter requesting a waiver of delinquency for an assessment on property benefitting from improvements in the Idlewild General Improvement District.

Councilor Vassar moved to waive the interest and penalty fees on this improvement, and if found to be lawful, to permit Mr. Munoz to sign his waived agreement to permit payment over time. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The interest and penalty were waived.

**Unfinished Business and General Orders:**

1. **Resolution No. 2011-50:** An Exigent Resolution Providing For The Transfer of Appropriation Balances From And Among Major Budget Classifications In The Metropolitan Police Department Of The Corporation General Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2011-50. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2011-50**

**AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the METROPOLITAN POLICE DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.**

**WHEREAS,** It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Metropolitan Police Department of the Corporation General Fund;**

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Metropolitan Police Department of the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

**CORPORATION GENERAL FUND**

**Metropolitan Police Department**

Reduce Account	#340.06 Insurance Deductible	\$1,000.00
	#340.23 Health / Medical Benefits	\$4,700.00
	#360.01 Equipment Maintenance	\$ 700.00
	<i>Total 300 Series Decreases</i>	<u>\$6,400.00</u>
Increase Account:	#210.01 Gasoline	\$2,700.00
	#210.02 Tires & Tubes	\$1,000.00
	#210.04 Institutional Supplies	\$ 700.00
	#220.04 Vehicle Parts & Supplies	\$2,000.00
	<i>Total 200 Series Increases</i>	<u>\$6,400.00</u>
<b>Total of All Fund Decreases:</b>		<b>\$6,400.00</b>
<b>Total of All Fund Increases:</b>		<b>\$6,400.00</b>

**DULY RESOLVED and ADOPTED** this 28<sup>th</sup> Day of November 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Comments from the Town Council Members**  
**(For the Good of the Order)**

- **Councilor Mark Herak:** • *Budget and Finance Chair • Liaison to the Board of Waterworks Directors • Liaison to the Board of Sanitary Commissioners.*

Councilor Herak acknowledged and expressed sympathy to Councilor Bernie Zemen and his family on the loss of his father. He further noted the recent deaths of Glen Van Prooyen and Jerry Fitzgerald.

Councilor Herak also noted the recent Christmas parade and his perception of how well it was carried out.

Councilor Herak recognized the Parks and Recreation Superintendent who reported on the progress of the Lincoln Community Center reconstruction and the success of the Pumpkin Plod, the annual running race conducted on Thanksgiving Day.

Councilor Herak recognized the Redevelopment Director who reported on the request for Tax Abatement for a proposed Culver's Restaurant at the Southwest corner of Ridge Road and Cline Avenue.

- **Councilor Dan Vassar:** • *Plan Commission Member.*

Councilor Vassar offered his personal condolences to the Bernie Zemen and Van Prooyen Families on the recent passing of family members.

Councilor Vassar recognized the Building Commissioner who offered a brief survey of matters that may be considered by the Plan Commission.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Kuiper recognized the Fire Chief who promoted safety with holiday lights and candles as potential fire hazards.

- **Council President Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Chairman, Board of Police Pension Trustees • Municipal Executive.*

The Council President also offered his expression of sympathy to the Van Prooyen and Zemen families. The Town Council President also indicated that a meeting of the Police Pension Board of Trustees at 9:00 a.m. for November 29, 2011.

**Comments from the Public or Visitors**

1. David Rigott, 3905 Olcott, Hammond, an IUN SPEA student, sought clarification regarding the requested waiver of penalty as requested by Mr. Jose Munoz as taken up earlier in the meeting.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public or visitors, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period November 15, 2011 through November 28, 2011 as well as the payroll accounts payable dockets for the paydays of October 21, 2011 and November 4, 2011. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The accounts payable vouchers for vendors and payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund**, \$141,452.75; **Motor Vehicle Highway and Street (MVH) Fund**, \$ 22,142.26; **Local Road and Street (LRS) Fund**, \$6,545.04; **Law Enforcement Cont. Education and Supply Fund**, \$1,181.28; **Capital Projects Retainage Fund**, \$11,507.16; **Information and Communications Technology Fund**, \$3,967.89; **Special Events Non Reverting Fund**, \$30.97; **Police Pension Fund (1925 Plan)**: \$54,924.35; **General Improvement Fund**, \$43,927.52; **Safe Neighborhood Grant Fund**, \$2,016.00; **Municipal Cumulative Street Fund**, \$2,145.00; **Sexual Predator Grant Fund**, \$2,880.00; **Gaming Revenue Sharing Fund**, \$14,206.00; **Corporation Capital Fund**, \$260,377.50; **Special Public Safety Fund**, \$31,376.59; **Total: \$598,680.31.**

**Payroll Accounts Payable Docket for October 21, 2011.**

*Office of Boards and Commissions*, \$8,427.00; *Office of the Clerk-Treasurer*, \$11,346.19; *Building and Inspection Department*, \$6,544.12; *Metropolitan Police Department*, \$105,848.04; *Fire Department*, \$33,416.80; *Public Works (Agency) Department*, \$51,886.69; *1925 Police Pension Trust Fund*, \$56,126.27. **Grand Total: \$273,595.11.**

**Payroll Accounts Payable Docket for November 4, 2011.**

*Office of Boards and Commissions*, \$0.00; *Office of the Clerk-Treasurer*, \$11,245.84; *Building and Inspection Department*, \$6,571.12; *Metropolitan Police Department*, \$92,603.24; *Fire Department*, \$2,971.95; *Public Works (Agency) Department*, \$53,686.29; *1925 Police Pension Trust Fund*, \$0.00. **Grand Total: \$167,078.44.**

**Adjournment.** Councilor Vassar moved that the plenary meeting be adjourned. Councilor Herak seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, November 28, 2011 was adjourned at 7:28 O'clock p.m. No study session followed the meeting.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer